

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THE OHIO WILLOW WOOD COMPANY,

Plaintiff,

v.

Case Nos. 2:05-cv-1039 and 2:09-cv-1027  
(Consolidated)

ALPS SOUTH LLC,

Defendant.

ALPS SOUTH LLC,

Plaintiff,

v.

OHIO WILLOW WOOD COMPANY, et al.

Defendants

JUDGE EDMUND A. SARGUS, JR.  
MAGISTRATE JUDGE TERENCE P. KEMP

**STIPULATION AS TO DATE FOR BRUCE KANIA  
TO REPLY TO CLAIMS ASSERTED BY ALPS SOUTH LLC**

On January 6, 2012, the Court entered the Stipulation To Dismiss Counts I, II, III of the Counterclaim of Alps South LLC Without Prejudice, Related Agreements and Order [Doc. Nos. 243 and 73 in Case Nos. 2:05-cv-1039 and 2:09-cv-1027, respectively] (hereinafter, "Stipulation"). The Stipulation provides, in part:

3. Although the Court has continued the stay of Alps' trade regulation claims in Case Nos. 2:05-cv-1039 and 2:09-cv-1027, Alps may amend its pleadings in the Sargus cases [Case Nos. 2:05-cv-1039 and 2:09-cv-1027] relating to its trade regulation claims to include the additional matter that was set forth in Alps' trade regulation counterclaims filed in 2:04-cv-1223 on December 2, 2011, in accordance with the schedule set forth in the Court's December 14, 2011 Order; and

4. OWW [Ohio Willow Wood Company] need not file a pleading responsive to Alps' amended trade regulation claims in the 2:05-cv-1039 and 2:09-cv-1027 cases until 14 days after the Court enters an order lifting the stay as to Alps' trade regulation claims.

Stipulation at 3. Bruce Kania's only involvement in the above-captioned action is as a co-defendant on Alps South LLC's trade regulation claims and counterclaims.

Defendant Kania was not involved in the discussions between the Ohio Willow Company and Alps South LLC that gave rise to the Stipulation. Moreover, the Stipulation is silent as to Defendant Kania and his obligations to respond to Alps South LLC's amended trade regulation claims and counterclaims in Case Nos. 2:05-cv-1039 and 2:09-cv-1027. To avoid any confusion, Alps South LLC hereby stipulates and agrees that paragraph 4 of the Stipulation quoted above shall apply to, and include, Defendant Kania as well as the Ohio Willow Wood Company. Accordingly, Alps South LLC stipulates and agrees that Defendant Kania need not file a pleading responsive to Alps South LLC's amended trade regulation claims in the 2:05-cv-1039 and 2:09-cv-1027 cases until 14 days after the Court enters an order lifting the stay as to Alps South LLC's trade regulation claims.

**IT IS SO ORDERED.**

*1-17-2012*

**JUDGE EDMUND A. SARGUS, JR.**

Stipulated and agreed:

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